

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

KEVIN HARRIS,	:	
Plaintiff,	:	Case No.: JFM-02-CV-236
vs.	:	
CLUB HOLLYWOOD, INC., <u>et al.</u> ,	:	
Defendants.	:	

**MEMORANDUM OF REASONS AND AUTHORITIES IN
SUPPORT OF JOINT MOTION TO MODIFY SCHEDULING ORDER**

The Plaintiff, Kevin Harris, and the Defendants, Club Hollywood, Inc., Harvey Blonder, Jeffrey P. Goldstein, and Roberta L. Goldstein, by and through their respective and undersigned counsel, submit this Memorandum in support of their Joint Motion To Modify Scheduling Order and state as follows:

1. Despite efforts to complete discovery, the Parties anticipate that they will not complete discovery by March 28, 2003 and anticipate that they will not be in a position to submit a meaningful status report by March 28, 2003.

2. While the Parties recognize that this is their second request for an extension, this extension request is a result of circumstances beyond the control of the Parties as the Parties cannot complete discovery. Although the Parties have exchanged written discovery, discovery was essentially halted as a result receipt of Orders by the Plaintiff's attorney, John E. Smathers, for active duty on January 22, 2003 with four (4) days notice to report to Fort Bragg. See, Orders dated January 22, 2003, which are

attached hereto as Exhibit A and incorporated by reference. The Plaintiff then missed his independent medical examination and his vocational evaluation due to the blizzard of February of 2003. Unfortunately, Mr. Smathers is now serving his country in Iraq, and his partner, Michael McGowan, Esquire, has had to assume indefinite responsibility for Mr. Smathers' caseload in addition to his own caseload.

3. Discovery has further been complicated in part due to the facts that many of the witnesses are no longer employed by the now defunct nightclub and that they do not reside in Maryland.

4. The Parties anticipate that they will be able to complete discovery by May 28, 2003 and, therefore, request that the remaining deadlines of the Scheduling Order for the completion of discovery, for the submission of the status report, for the filing of requests for admission, and for the filing of dispositive motions be modified and extended by another sixty (60) days.

5. The Parties request that the deadline for discovery be extended from March 28, 2003 to May 28, 2003, that the deadline for filing the status report be extended from March 28, 2003 to May 28, 2003, that the deadline for the filing of requests for Admission be extended from April 3, 2003 to June 3, 2003, and that the deadline for dispositive motions be extended from April 28, 2003 to June 30, 2003.

For the Reasons stated above, the Parties request that their Joint Motion To

Modify Scheduling Order be granted.

Respectfully submitted,

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